

Planning Commission Meeting
March 16, 1988
Verbatim Excerpts

FDP-C-448-9 - KINGSTOWNE LIMITED PARTNERSHIP

Decision Only

Commissioner Sell: There is a Final Development Plan-C-448-9, Kingstowne Limited Partnership. It is Section 33E of Kingstowne. You might recall that we held the public hearing last week and due to a misunderstanding the applicant wasn't here, but he was watching on television. So he's here tonight. And I'm not making fun of that because it's certainly understandable that Mr. Lawrence thought the case was going to be deferred. That was just a misconboobulation between he and I, and with my schedule and what happened last week that's probably my fault.

Chairman Lilly: That's the closest thing to a busman's holiday I've heard in a long time.

Commissioner Sell: So, Mr. Chairman, before I make a motion on this final development plan, I would like to offer Mr. Lawrence the opportunity to make whatever comments that he would like to do in this particular case.

Chairman Lilly: Mr. Lawrence?

Mr. Lawrence: Thank you, Mr. Chairman, members of the Commission. For the record, my name is Bob Lawrence. I'll be very brief. I first saw this case while I was eating dinner, and much to my surprise. I just happened to be looking at the television. All of a sudden I saw a plat on the screen that looked vaguely familiar. I said, "You know, that's my, that's my development plan." But anyhow, this particular final development plan for Kingstowne came before this Commission and the Board of Supervisors back in June of 1985. And the final development plan was presented at that time -- and this basically is the final development plan. But the approval of the final development plan was deferred because of the geotechnical considerations. You might recall that several sections of Kingstowne were deferred, approval on the final development plan, until such time as a geotechnical review was completed on them. The geotechnical review has now been completed. There -- the development plan has been submitted and it's essentially, basically the same development plan that was submitted before. These are some renderings of the plan. It's actually one section, but it's in two parts there because of the scale. The plan has been before the Lee District Land Use Advisory Committee and it has the support of the Committee. I would just like to address a couple of the development conditions. We have no objections to #1, #2, and #3. Development Condition #4 refers to trails. There are two trails mentioned in that condition which we don't feel are appropriate. One is a trail that would go through the EQC. At the time of the approval of the Kingstowne planned community, the trails plan was worked out, a master trails plan for the entire community. And the whole concern there was not to run trails willy-nilly through the EQC. And that was very carefully guarded. Unfortunately, the staff that actually reviewed that

plan is not here now, and they raised the question about putting a trail through that EQC. And it's the feeling of the developer as well as the Lee District Land Use Committee that there should not be additional trails placed through the EQC. We have plenty of them already. The other trail was a trail to connect to the trail around the lake. And we showed staff that there is a trail in Section 38, immediately next door, which does connect to the trail around the lake. So there's no need for this additional trail. And again, we're trying to keep down the intrusions into the open space and the vegetation. And these trails, as you know, if they are six to eight feet wide will end up cutting a 30-foot swath in order to accommodate the asphalt trail. So we don't feel that the trails that are referenced in Development Condition #4 are needed or desired either by the developer or the community. With respect to Development Condition #7, suggesting that we provide 2.3 spaces per dwelling unit -- at the time of the original conceptual plan approval the parking tabulations -- I show them highlighted -- you can't read them from there -- but basically a parking ratio was committed to when the conceptual plan was approved back in June of 1985. Also committed to were the limits of clearing around the development pod which is shown highlighted in yellow. All of the sections of Kingstowne have that limits of clearing on them. So there's a very finite area that's available as a development envelope for each section. To change now the parking requirements, at this point in time, would cause the developer to possibly lose units, to totally redesign his site. And all of this was done within the context of 155 proffers that were agreed to at the time of the original zoning. So it would be, in effect, changing horses in the middle of the stream. Those proffers include over \$14 million dollars worth of roadway, over \$3 million dollars of recreational improvements, phasing of development, the various development plans proffered to, a series of trails, provision for stormwater management -- state of the art beyond Ordinance requirements at tremendous expense. All of these proffers were made on the basis of the development permissions that were granted in June of 1985. And this would be something that we could not accommodate at this late date. So for that reason we'd ask not to be imposed with Development Condition #7. That's all I have.

Chairman Lilly: Any questions of Mr. Lawrence?

Commissioner Byers: Mr. Chairman?

Chairman Lilly: Mr. Byers.

Commissioner Byers: Mr. Lawrence, isn't a conceptual development plan precisely that, it's a concept?

Mr. Lawrence: That's correct, but with respect to --

Commissioner Byers: Not a final development plan.

Mr. Lawrence: But with respect to the parking, it is specific. There are

specific parking ratios for each development bay within Kingstowne.

Commissioner Byers: I know, but it sticks in my mind though that a conceptual development plan is cast in concrete.

Mr. Lawrence: Well, there's another aspect to this, and was that the final development plans for this section and about six other sections would have been approved but for the geotechnical review. In other words, the final development plans were reviewed by staff, parameters with respect to limits of clearing, and all of those things, densities, were all determined at the time. But there were about six sections out of 57 that were held back because of geotechnical review. Again, to change the parking at this time would require a redesign of the site and require this person to go back through geotechnical review again, which is the reason why this has been deferred all this time to begin with.

Chairman Lilly: Any other questions? Mr. Braham, do you want to offer anything?

Mr. Braham: Yes, I'd like to address two different things. First of all, I'd like to point out that Mr. Lawrence was referring to the proposed development conditions contained within the staff report addendum that was produced on this case. A similar set of conditions is contained in the staff report itself, less #7, to clear up some potential confusion there. I'd also like to speak a little bit on the parking issue. When the parking -- when Article 11 of the Zoning Ordinance was amended to require 2.3 parking spaces per single family attached dwelling unit, certain grandfather provisions were also passed as part of that amendment. And grandfather condition #1 addresses this particular instance, and states that proffered rezoning applications and P District applications approved prior to the effective date of this Ordinance when the P District zoning or proffered conditions conflict with the provisions of this amendment. It is staff's contention at this time that the applicant has not demonstrated that there is a conflict. Staff feels that there are possibilities for redesign of the site, using a number of different techniques, which would enable the applicant to achieve something closer to the 2.3 which is now required under the Ordinance than what is the ratio of approximately 2.13 which is shown on the conceptual development plan. Thank you, Mr. Chairman.

Chairman Lilly: Any questions of Mr. Braham?

Commissioner Sell: No, Mr. Chairman, but I do have a question of Mr. Lawrence.

Chairman Lilly: Mr. Lawrence?

Commissioner Sell: Mr. Lawrence, it's my understanding that in Section 15 of Kingstowne, which is the maintenance facility for the homeowners association, as I recall, that you do plan to provide overflow parking for

recreational vehicles, boats, those sort of things that normally clutter up parking spaces in townhouses developments?

Mr. Lawrence: That's correct, Mr. Sell. We are going to provide that.

Commissioner Sell: Okay. Unfortunately, -- and I'd like to get you to commit to that on the record -- we don't have an FDP for that, as of yet, for that --

Mr. Lawrence: We will commit to that.

Commissioner Sell: Okay. You're going to provide RV and boat parking and what have you in a separate space as part of Kingstowne.

Mr. Lawrence: That's correct.

Commissioner Sell: Okay. Okay. Thank you.

Chairman Lilly: Anything else? Mr. Sell.

Commissioner Sell: Thank you, Mr. Chairman. They're never easy. And let me just try to go back and give the, the Commission members some rationale for why I intend to move favorably on this final development plan. I don't want to keep you in suspense. At the time Kingstowne was rezoned, this and a number of other parcels we deferred decision on some of the final development plans pending geotechnical review and we asked the developer to give us a proffer that said that any area that was involved in potential marine clay soils, that we would seek geotechnical review prior to a final development plan. This section was one of them. Had it not been for that issue, that final development plan would have been approved along with numerous others in Kingstowne on that night in February or whatever it was in 1985. We've been very careful in Kingstowne to establish a limit of clearing, to not encroach into the EQC, and basically what we did in the conceptual development plan was establish, in my view, the building envelope. And the amount of parking at that time was in excess of the Ordinance. It is now not in excess of the Ordinance. The staff is right, I guess, that you could go back and redesign this site and get more parking spaces in it. And one of the ways that you could do that would be to go to smaller units. I presume that's the thinking; in fact, I know that's one of the ways you could do it. And they are proposing to put 22-foot garage units in this particular land bay and I consider that to be an upgrading of Kingstowne that I'm interested in seeing happen. We have a lot of multi-family, a lot of townhouses, very few single family detached. And I was concerned when Kingstowne first started to be built that we had a lot of -- how do I want to say this --

Commissioner Harsel: Homogeneous?

Commissioner Sell: Yeah, homogeneous. But we still have -- but this is an

upgrading of the product in Kingstowne in one particular area and I'm in favor of that. And I think it's a good idea. And I think the market reflects that, interestingly enough, that's what's happened. And there are a number of other issues, ancillary issues, in Kingstowne that I have to take into consideration. This is an 1100-acre site. There are a number of things that we're trying to do to upgrade Kingstowne throughout. And I don't want to get hung up on having them all come down to one decision on one land bay. You've heard the applicant agree that he will provide, in Section 15, parking for RV and boats and what have you for Kingstowne. And although I'm sure that won't be adequate to take care of this whole development, it is certainly something that we don't normally see in Fairfax County. And I understand that would probably be somewhere in the neighborhood of 50 or 60 spaces. There is an area in this particular pod where the developer could provide extra parking. And would agree to do so. It would bring him closer to the 2.3, but it wouldn't quite get him there. But that conflicts with the internal open space requirements. And the staff has said in their report that one of their problems also is internal open space. And I can't resolve in my mind converting some of that open space to parking. That seems to get us right back to square one. And I think that in the overall context of Kingstowne -- after much deliberation and much discussion with the staff, with the applicant, with the County Attorney, with everybody involved -- that I think the prudent thing to do in this particular application is approve this final development because I think it is an improvement over what we had previously. With the conditions in the original staff report, with the deletion of Condition #4, I think at this point that no one agrees, or no one at least strongly disagrees that we ought to build any trails through the EQC. I know the Lee District Land Use Advisory Committee feels strongly about that and so do I. We have an overall trails plan for Kingstowne and there's no need at this point to be adding trails, particularly those traversing the EQC that we fought so hard to protect. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FINAL DEVELOPMENT PLAN C-448-9, WITH THE UNDERSTANDING THAT THE APPROVED FINAL DEVELOPMENT PLAN IS THE FDP PREPARED BY B. C. CONSULTANTS, DATED 3/20/87 AS REVISED THROUGH MARCH 7, 1988, AND SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE FEBRUARY 4, 1988 STAFF REPORT, DELETING CONDITION #4.

Commissioner Byers: Second.

Chairman Lilly: Seconded by Mr. Byers. Is there discussion of the motion? If not, all those in favor say aye.

Commissioners: Aye.

Chairman Lilly: Opposed? The motion carries. Anything else?

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(The motion carried unanimously with Commissioners Koch, Murphy, and

Thillmann not present for the vote; Commissioner Sparks absent from the meeting.)

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Commissioner Sell: Mr. Chairman, I apologize, but I do need to make another motion in regard to FDP-C-448-9. And I MOVE THAT THE PLANNING COMMISSION DIRECT THE DIRECTOR OF DEM TO WAIVE THE BARRIER REQUIREMENT IN ACCORDANCE WITH THE PROPOSED DEVELOPMENT CONDITIONS IN ATTACHMENT 1 OF THE STAFF REPORT DATED --

Mr. Braham: February 24, 1988.

Commissioner Sell: FEBRUARY --

Mr. Braham: Twenty-fourth.

Commissioner Sell: TWENTY-FOURTH, AS AMENDED IN THE PREVIOUS MOTION.

Commissioner Byers: Second.

Chairman Lilly: Seconded by Mr. Byers. Is there discussion of that motion? If not, all those in favor say aye.

Commissioners: Aye.

Chairman Lilly: Opposed?

Commissioner Murphy: Abstain, out of the room.

Chairman Lilly: The motion carries. Mr. Murphy abstains.

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(This motion passed by a vote of 7-0-1 with Commissioner Murphy abstaining; Commissioners Koch and Thillmann not present for the vote; Commissioner Sparks absent from the meeting.)

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